

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number		10597938
Filing Date		2006-08-11
First Named Inventor	PANTELIDIS, Dimitros	
Art Unit		
Examiner Name	Unassigned	
Attorney Docket Number	53233-00021	

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	1	5057296		1991-10-15	BECK, Jeffrey S.	
	2	5102643		1992-04-07	KRESGE, Charles T., et al	
	3	6592764	B1	2003-07-15	STUCKY, Galen D., et al	
	4	6730064	B2	2004-05-04	RAGHEB, Anthony O., et al	
	5	6991802	B1	2006-01-31	AHOLA, Manja, et al	
	6	6592991	B1	2003-07-15	WEISNER, Ulrich Bernd, et al	
	7	6592980	B1	2003-07-15	MACDOUGALL, James Edward, et al	
	8	6365266	B1	2002-04-02	MACDOUGALL, James Edward, et al	

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9	6541539	B1	2003-04-01	YANG, Peidong, et al	
10	6458310	B1	2002-10-01	LIU, Guojun	
11	6334988	B1	2002-01-01	GALLIS, Karl W., et al	
12	6054111		2000-04-25	ANTONIETTI, Markus, et al	
13	5622684		1997-04-22	PINNAVAIA, Thomas J., et al	
14	6511668	B2	2003-01-28	MATTAI, Jairajh, et al	
15	6465365	B1	2002-10-15	ANNAPRAGADA, Rao Venkateswara	
16	6318124	B1	2001-11-20	RUTHERFORD, Nicole, et al	
17	5516781		1996-05-14	MORRIS, Randall E., et al	
18	6395299		2002-05-28	BABICH, John W., et al	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20020164380	A1	2002-11-07	MA, Ying, et al	

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	1	00/29501	WO	A1	2000-05-25	Emory University and Radiovascular Systems LLC		<input type="checkbox"/>
	2	02/058775	WO	A2	2002-08-01	Radiovascular Inc.		<input type="checkbox"/>
	3	00/25841	WO	A1	2000-05-11	BRANDAU, Wolfgang, et al		<input type="checkbox"/>
	4	00/66190	WO	A1	2000-04-27	The Secretary of State for Defence		<input type="checkbox"/>
	5	99/47570	WO	A1	1999-09-23	University of Rochester		<input type="checkbox"/>
	6	03/055534	WO	A1	2003-07-10	Psimedica Limited		<input type="checkbox"/>
	7	98/34723	WO	A2	1998-08-13	Battelle Memorial Institute		<input type="checkbox"/>

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8	01/28529	WO	A1	2001-04-26	The Secretary of State for Defence		<input type="checkbox"/>
9	99/36357	WO	A1	1999-07-22	Drexel University		<input type="checkbox"/>
10	0872447	EP	A1	1998-10-21	Shiseido Company Limited		<input type="checkbox"/>
11	2005/000740	WO	A2	2005-01-06	K.U. Leuven Research and Development		<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	BECK JS, et al., "A new family of mesoporous molecular sieves prepared with liquid crystal templates." J. Am. Chem. Soc, 1992, 114:10834-10843.	<input type="checkbox"/>
	2	BRINKER CJ, et al., "Evaporation-induced self-assembly: nanostructures made easy." Advanced Materials, 1999, 11 (7):579-585.	<input type="checkbox"/>
	3	KRESGE CT, et al., "Ordered mesoporous molecular sieves synthesized by a liquid crystal template mechanism." Nature, October 1992, 359:710-712.	<input type="checkbox"/>
	4	VALLET-REGI M, et al., "A new property of MCM-41: drug delivery system." Chem. Mater., 2001, 13:308-311.	<input type="checkbox"/>
	5	MUNOZ B, et al., "MCM-41 organic modification as drug delivery rate regulator." Chem. Mater., 2003, 15:500 - 503.	<input type="checkbox"/>

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6	SCHMIDT-WINKEL P, et al., "Microemulsion templating of siliceous mesostructured cellular foams with well-defined ultralarge mesopores." Chem. Mater., 2000, 12:686 - 696.	<input type="checkbox"/>
7	KHUSHALANI D, et al., "Metamorphic materials: restructuring siliceous mesoporous materials." Advanced Materials, 1995, 7:842-846.	<input type="checkbox"/>
8	GALARNEAU A, et al., "Microporosity and connections between pores in SBA-15 mesostructured silicas as a function of the temperature of synthesis." New J. Chem., 2003, 27:73-79.	<input type="checkbox"/>
9	XIA Y, et al., "Soft lithography." Angew. Chem. Intl. Ed., 1998, 37:550-575.	<input type="checkbox"/>
10	TRAU M, et al., "Microscopic patterning of orientated mesoscopic silica through guided growth." Nature, 1997, 390:674-676.	<input type="checkbox"/>
11	HOLLAND BT, et al., "Synthesis of macroporous minerals with highly ordered three-dimensional arrays of spheroidal voids." Science, 1998, 281:538-540.	<input type="checkbox"/>
12	IMHOF A, et al., "Ordered macroporous materials by emulsion templating." Nature, 1997, 389:948-951.	<input type="checkbox"/>
13	YANG P, et al., "Hierarchically ordered oxides." Science, 1998, 282:2244-6.	<input type="checkbox"/>
14	SCHUTH, In: Studies in Surface Science and Catalysis, Galarneau A, et al (eds.), Proceedings of the 13th International Zeolite Conference, Montpellier, France, 2001, 135:1-12.	<input type="checkbox"/>
15	DOADRIO AL, et al., "Mesoporous SBA-15 HPLC evaluation for controlled genamicin drug delivery." Journal of Controlled Release, 2004, 97(1):125-132.	<input type="checkbox"/>
16	MAL NK, et al., "Photocontrolled reversible release of guest molecules from coumarin-modified mesoporous silica." Nature, January 2003, 242:350-353.	<input type="checkbox"/>

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17	AXEL DI, et al., "Paclitaxel inhibits arterial smooth muscle proliferation and migration in vitro and in vivo using local drug delivery." Circulation, 1997, 96:636-645.	<input type="checkbox"/>
18	DRACHMAN DE, et al., "Neointimal thickening after stent delivery of paclitaxel: change in composition and arrest of growth over six months." J. Am. Coll. Cardiol., 2000, 36:2325-2332.	<input type="checkbox"/>
19	GRUBE E, et al., "High-dose 7-hexanoyltaxol-eluting stent with polymer sleeves for coronary revascularization: one-year results from the SCORE randomized trial." J. Am. Coll. Cardiol., 2004, 44:1368-72.	<input type="checkbox"/>
20	KORTESUO P, "Sol-gel-processed sintered silica xerogel as a carrier in controlled drug delivery." Journal of Biomedical Materials Research, 1999, 44:162-7.	<input type="checkbox"/>
21	HELDMAN AW, et al., "Paclitaxel stent coating inhibits neointimal hyperplasia at 4 weeks in a porcine model of coronary restenosis." Circulation, 2001, 103:2289-2295.	<input type="checkbox"/>
22	DAUSKARDT RH, et al., "Adhesion and debonding of multi-layer thin film structures." Engineering Fracture Mechanics, 1998, 61:141-162.	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Attorney Docket Number	53233-00021

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☒ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/C. Rachal Winger, Ph.D./	Date (YYYY-MM-DD)	2006-10-06
Name/Print	C. Rachal Winger, Ph.D.	Registration Number	55815

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. : 8160
Appln. No. : 10/597,938
Applicant : Dimitrios Pantelidis, et al.
Filed : 08-11-2006
TC/A.U. :
Examiner :
Docket No. : 53233-00021
Customer No. : 48423
Title : Drug Delivery Systems Using Mesoporous Oxide Films

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-198, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further requests that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR -

- ☒ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;

-- OR

- ☐ (3) It is being filed in compliance with 37 C.F.R. § 1.97 (e)(1) and each item of information contained in the information disclosure statement was first cited in a communication from the International Search Report not more than three months prior to the filing of the information disclosure statement.

-- OR

- ☐ (4) It is being filed in compliance with 37 C.F.R. § 1.97 (e)(1) and each item of information contained in the information disclosure statement was first cited in a communication from the International Search Report more than three months prior to the filing of the information disclosure statement, but before the mailing date of the first Office Action;

-- OR

- ☐ (5) It is being filed before the mailing date of the first Office Action on the merits;

-- OR

- ☐ (6) It is being filed with copies of the Information Disclosure Statement(s) from the U.S. Parent application;

-- OR -

- ☐ (7) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

- ☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ a certification as specified in §1.97(e) provided concurrently herewith;

-- OR -

- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

- ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

A. a certification as specified in §1.97(e); and

B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

- ☐ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

- ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR -
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR -
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR -
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).
- ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §198(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
-- AND/OR -
- ☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith.
-- AND/OR -
- ☐ A copy of the European Search Report indicating the relevance of the non-English language reference(s) is provided herewith
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *No Fees Due.* Applicants believe no fee is due with this filing, however, if it is deemed that a fee is due, the Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-3207.

Respectfully submitted,

Dated: Sept. 19, 2006

By: C. Rachal Winger
C. Rachal Winger, Ph.D. / Reg. 55815

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